I. Status of the Application

Claims 1-18 are pending in the application. The Examiner required a restriction, under 35 U.S.C. 121, to one of eight groups described below.

II. The Invention

The present invention reveals the existence of a new family of Cysteine Rich Soluble Proteins (CRSPs). Their expression suggests a role in immunological function, particularly in inflammatory conditions. Specifically, the present invention comprises a composition of matter selected from an isolated or recombinant C23 polypeptide or polynucleotide encoding the same.

III. The Restriction Requirement

The Examiner restricted the application into the following eight groups:

I. Claims 1a, 1b, 2-4, 5a, and 6, directed generally to a C23 polypeptide and to kits and compositions thereto, classified in Class 530, Subclass 351 and Class 424, Subclass 85.1, 435 or 436 depending on whether the kit is a composition or a true kit;

II. Claims 1c and 5b, directed generally to fusion proteins with an Ig, classified in Class 530, Subclass 387.2 or other subclasses depending on the nature of the other fusion partner;

III. Claims 1c and 5c directed generally to fusion proteins 351+ or other subclasses depending on the nature of the other fusion partner;

IV. Claim 3b(xiv), directed generally to a protein conjugate, classified in Class 530, Subclass 351 or other subclasses depending on the nature of the other fusion partner;

V. Claims 7-10, directed generally to antibodies, classified in Class 530, Subclass 388.23 or Class 424, Subclass 85.1 or 435, or 436 depending on whether the kit is a composition or a true kit;

VI. Claims 11-17, directed generally to polynucleotides encoding the polypeptides of the invention, methods of producing the same, classified in Class 536, Subclass 23 or 5; Class 514, Subclass 44; or Class 435, Subclass 69.5+ respectively, depending on whether the kit is a composition or a true kit;

VII. Claim 18 directed generally to a method of using an antagonist, classified in Class 424, 514, or 435, Subclass varying depending on the nature of the antagonist and whether the method is in vivo or in vitro; and

VIII. Claim 18 directed generally to a method of using an agonist, classified in Class 424, 514, or 435, Subclass varying depending on the nature of the agonist and whether the method is in vivo or in vitro.

IV. Response to Restriction Requirement

Applicants provisionally elect, with traverse, Group VI (Claims 11-17), classified in Class 536, Subclass 23 or 5; Class 514, Subclass 44; or Class 435, Subclass 69.5+ respectively. Group VI is directed generally to C23 polynucleotides encoding the C23 polypeptides of the invention, and antigenic fragments thereof, methods of producing the same.

According to MPEP §821.04,

> "if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined."

In addition, the MPEP at §821.04 further instructs that,

> "applicants are encouraged to present such process claims. . . in the application at an early stage of prosecution."

Accordingly, prior to allowance of the subject matter of presently elected claims of Group VI (Claims 11-17), Applicants intend to present additional claims directed generally to methods of making and using the claimed C23 polypeptides or antigenic fragments thereof, e.g., methods of expressing a vector to make a C23 polypeptide; methods of detecting C23 polypeptide; methods of using C23 polypeptide to generate a binding composition, etc. Specifically, Applicants intend to submit claims in a form which will make examination more effective and streamlined, and will hopefully lead to early allowance.

Should the restriction be made final, Applicants will then address the issue of inventorship for the selected claims and amend inventorship accordingly, if necessary.